

September 21, 2015

Mr. Patrick Richardson  
Richardson Engineering LLC  
30 East Padonia Rd. Suite 500  
Timonium Md. 21093

Re: Union Electric Company, 6015 Rossville Blvd. 21221  
Forest Buffer Variance  
Tracking No. 06-15-2071

Dear Mr. Richardson:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced property. The request proposes 20,960 square feet of impacts to the required forest buffer for building and parking additions, and continued existing uses of a parking lot and buildings on this commercial property. The forest buffer impacts include impacts to 14,935 square feet of 100-year floodplain, but there are no direct impacts to streams, or wetlands. In addition, there are no forest impacts. The proposed stormwater management facility is the subject of an alternatives analysis under separate review by EPS. This facility proposes impacts to the 25-foot non-tidal wetland buffer. The forest buffer and wetlands on and adjacent to this site are associated with Brien Run, a Use I stream that flows to Northeast Creek.

This Department has reviewed the request, and has determined that a practical difficulty/unreasonable hardship does exist. Literal enforcement of the law would not allow for practical commercial use of the property, and would not allow continued existing uses on portions of the property. The property existed as a commercially used site prior to the forest buffer law. New impacts to the forest buffer have been minimized to the extent possible when considering site constraints, and the proposed improvements needed for expansion and upgrade of the Union Electric Company. Therefore, the potential for impacts to water quality and aquatic resources as a result of the redevelopment of this property can be minimized with mitigative measures.

Based on this review, the continued existing uses proposed within the required forest buffer on this property meet the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following note must appear on all plans submitted for this project:

“On September 18, 2015, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains for impacts to 20,960 square feet of forest buffer area on the referenced property for building and parking additions, and continued existing uses of a parking lot and buildings. Conditions were placed on this variance to reduce water quality impacts.”

2. The mitigation for the impacts as proposed is acceptable. 3,390 square feet of planting will be completed on-site, and the remaining 17,570 square feet of mitigation will be provided by purchasing credits in an off-site forest buffer planting bank approved by this Department. A letter approving the use of an off-site forest buffer planting bank is enclosed. Purchase of forest retention bank credits is not a mitigation option for forest buffer impacts. Details of all mitigation, including any mitigation required in the alternatives analysis review for the stormwater facilities, must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved, and executed mitigation letters must be returned to this Department, prior to any permit approvals for this site.
3. “Forest Buffer-Do Not Disturb” signs shall be installed on the forest buffer easement limits. The location of the signs, and the sign specifications (see attached) must be shown on the FBPP.
4. An Environmental Agreement shall be completed for any required securities related to the mitigation for the forest buffer impacts. The security shall be a minimum of \$0.25 per square foot of mitigation area for any planting, and shall be posted prior to grading permit approval.
5. State and Federal review of any proposed impacts to the wetland buffer and 100-year floodplain is required. Grading permits will not be approved until any required State and Federal authorizations have been acquired.
6. The Forest Buffer Easements and any Forest Conservation Easements must be recorded in Baltimore County Land Records with the appropriate protective covenants.
7. “Orange high visibility fence shall be manually installed along the limits of disturbance (LOD) where the LOD is within 50-feet of any forest buffer or forest conservation area. This shall be completed and the location of the fence approved by Baltimore County Department of Environmental Protection & Sustainability (EPS) prior to any permit approvals, or at the time of a preconstruction meeting. If any problems arise regarding the fence location, unnecessary equipment clearing, etc., no permit will be issued until the required corrections are completed to the satisfaction of Baltimore County EPS.” This note must be placed on all plans for this project, and must appear in the beginning, where appropriate, of the sequence of operations on the sediment control and grading plans.

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8. The grading and sediment control plans must be reviewed and approved by this office.
9. All conditions of this variance must be completed to the satisfaction of this Department prior to any permit approvals for this project, unless otherwise stated above.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require approval of an amended variance request.

Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina  
Director

VJG: pad

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I/We agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains:

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Property Owner

Date

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Printed Name of Property Owner